

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

APB REALTY, INC.

*Plaintiff / Defendant-in-Counterclaim,*

v.

LEBANON AND BLUE MOUNTAIN  
RAILWAY, LLC

*Defendant / Plaintiff-in-Counterclaim,*

v.

KIRK BRYANT

*Defendant-in-Counterclaim*

Civil Action No. 1:21-cv-11347-MLW

**JOINT STATUS REPORT**

Pursuant to this Court's September 10, 2024 Order [ECF No. 79], the parties report that following conferral, they have not reached an agreement to resolve the remaining claims in this case and that additional time will not assist any effort to do so.

Respectfully submitted,

Lebanon and Blue Mountain Railway, LLC  
By its attorneys,

/s/ Christopher P. Fitzgerald  
Erin K. Higgins, BBO No. 559510  
Christopher P. Fitzgerald, BBO No. 685408  
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In view of the Report  
it is hereby ORDERED  
that the parties  
shall confer and,  
by November 25, 2024,  
file a report, jointly if  
possible, identifying  
a briefly describing  
the remaining  
counterclaims; stating  
their respective positions on whether additional  
discovery should be allowed and, if so,  
describing it and the reasons for it;  
and, in any event, how long the  
estimate will be needed for trial of  
the remaining counterclaims. W.H.D.J.  
11/4/24

APB Realty, Inc. and Kirk Bryant  
By their attorney,

/s/ Howard B. D'Amico  
Howard B. D'Amico, BBO No. 553420  
Howard B. D'Amico, P.C.  
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**CERTIFICATE OF SERVICE**

I, Christopher P. Fitzgerald, attorney for the defendant, Lebanon and Blue Mountain Railway, LLC, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 11, 2024.

/s/ Christopher P. Fitzgerald  
Christopher P. Fitzgerald

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